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**FACSIMILE MESSAGE**

Date **March 1, 2002**

To: **Receptionist Group Unit 2672**

Fax No.: **1 703 308 6606**

Subject: **United States Patent Application Serial No. 09/112,777**  
**Inventor/Assignor: Kia Silverbrook and Paul Lapstun**  
**Assignee: SILVERBROOK RESEARCH PTY LTD**

Our Ref: **ART24US**

Total Number of Pages (including this) **7**

Attached is an amendment in response to an Office Action from Examiner, Motilewa-Good-Johnson dated September 6, 2001.

Regards

Leonie News  
Silverbrook Research Pty Ltd

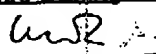
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/112,777
	Filing Date	July 10, 1998
	First Named Inventor	Kia Silverbrook
	Group Art Unit	2672
	Examiner Name	Motilewa Good-Johnson
Total Number of Pages in This Submission	Attorney Docket Number	ART24US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Email: kia@silverbrookresearch.com Telephone: 61-2-9818-6633 Facsimile: 61-2-9818-6711	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kia Silverbrook c/- Silverbrook Research Pty. Ltd. 393 Darling Street, Balmain NSW 2041, Australia
Signature	
Date	March 1, 2002

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Official

PTO/SB/17 (11-01)

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**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 460

**Complete if Known**

Application Number	09/112,777
Filing Date	July 10, 1998
First Named Inventor	Kia Silverbrook
Examiner Name	Motilewa-Good-Johnson
Group Art Unit	2672
Attorney Docket No.	ART24US

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None
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Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee in the above-identified deposit account
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	460.00
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
128	180	128	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
148	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
189	900	189	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 460.00

**SUBMITTED BY**

Name (print/type) Kia Silverbrook

Registration No. (Attorney/Agent)

**Complete if applicable**

Telephone +61 2 9818 8833

Signature

[Signature]

Date

March 1, 2002

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## In the United States Patent and Trademark Office

Serial Number: 09/112,777  
Application. Filed: July 10, 1998  
Applicant: Kia Silverbrook and Paul Lapstun  
Application. Title: Producing Automatic "Painting" Effects in Images  
Examiner/GAU: Motilewa-Good-Johnson/GAU 2672

Dated March 1, 2002  
At: Balmain NSW Australia  
Docket No. ART24US

## AMENDMENT C

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

In reply to the Official Action of 6 September 2001, the Applicants make the following submissions.

The Examiner rejects all claims pending under 35 U.S.C. 103 (a) as being unpatentable over Arias while admitting that "Arias fails to disclose brush strokes per se." asserting "it would have been obvious to one of ordinary skill in the art at the time of the invention that in paint rendering, brush strokes are a commonly used tool." The Examiner refers to col 8, lines 15-30 in Arias in anticipating claim 1 or claim 2 or col 13, lines 25-44 in anticipating claim 3 and another reference which is missing regarding anticipation of claim 4. The Examiner has not supported the assertion and the Applicants request under 37 C.F.R. Section 1. 107 (b) (1993) that the examiner provide an affidavit if this is asserted from their own knowledge or that they provide a citation to support the asserted level of skill in the art. In the absence thereof the Applicants argue that the rejection is improper per se. In the absence of such citation or affidavit there is no record by which the Applicants can argue that the Examiner has erred.

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Moreover, the Applicants respectfully submit that Arias is not relevant art in that it relates to creating animations whereas the claimed invention, when read in the context of the specification as a whole, relates to still images. In Arias the production of cel images requires specific characteristics to be met, for example as set out in col 1, line 10-col 2, line 18 in order to produce animated scenes. The claimed invention is concerned with processing a single image to have a particular effect of brush stroking, a feature lacking entirely from Arias but presumed obvious by the Examiner.

The Applicants respectfully submit that there is no basis to conclude that applying brush stroking to Arias would not destroy the "toon" effect sought in Arias and that Arias is applicable to achieve the result of the claimed invention.

In view of the foregoing it is respectfully contended that all claims now pending in the above identified Patent Application recite a novel and not obvious method which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Very respectfully,

Applicant:



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